

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Applicant: Horace W. Hale et al.

Serial No: 10/651.871

Filed: August 29, 2003

Examiner: David Comstock

Title: FACET IMPLANT

Art Unit: 3733

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MS AF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 18, 2009, of the Primary Examiner finally rejecting claims 1-20, 41-61 and 63.

Applicant is:

  X   a small entity  
\$255.00 Fee

\_\_\_\_\_ other than a small entity  
\$510.00 Fee

Fee Payment:

Attached is a check covering the aforesaid fee

Credit card payment covering the fee

X	Not required (fee paid in prior appeal in this application)
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Charge fee to Deposit Account No. 18-0988 under Attorney Docket No.

The Commissioner is authorized to charge any additional fee which may be required by this notice, or credit any overpayment, to Deposit Account No. 18-0988 under Docket No. HORA P0101US.

Respectfully submitted,

/Mark C. Johnson/  
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